

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00087

CLARK E. WHITBECK

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On March 7, 2018, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Clark E. Whitbeck, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year less one day term of supervised release in this action on July 14, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 17, 2015.

The court heard the admissions of the defendant and the representations and argument of counsel.

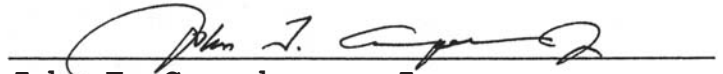
The court finds that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed methamphetamine as evidenced by positive urine specimens submitted by him on November 14, 17 and 27, and December 18, 2017, as well as the defendant's admission to the probation officer on November 29, 2017, that he had relapsed with methamphetamine use; (2) the defendant failed to attend drug abuse counseling and treatment as instructed inasmuch as arrangements were made on March 21, 2017, for him to attend two individual substance abuse counseling sessions per month and the defendant attended no sessions in August 2017, one session in September 2017, no sessions in October and November 2017, one session in December 2017, and no sessions in January 2018; (3) the defendant manipulated urine drug screens on December 28, 2017, and January 8, 2018, by pouring urine from a bottle into the specimen collection container; and (4) the defendant failed to abide by the special condition that he refrain from the use and possession of alcohol as evidenced by his admission to the probation officer on November 14, 2017, that he drank "a couple of beers" the previous evening; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

Upon motion of the defendant, as more fully set forth on the record of the hearing, that the petition be held in abeyance in order to allow the defendant the opportunity to continue to engage in full-time employment with Bullock Restoration, provide regular urine screens, and attend drug abuse counseling and treatment sessions, to which the government did not object, it is ORDERED that the motion be, and it hereby is, granted and the petition is hereby held in abeyance and the defendant remains on the three-year less one day term of supervised release imposed by the court's order entered on November 17, 2015, and the defendant shall continue to follow all terms and conditions of supervised release imposed heretofore, and the following additional terms and conditions: the defendant shall continue to engage in full-time employment on a regular basis with Bullock Restoration, provide random urine screens at a rate of one per week as directed by the probation officer and attend one substance abuse treatment and counseling session per week as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal for his return to Carter County Detention Center for processing, following which it is ORDERED that he be released today.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 7, 2018

  
John T. Copenhaver, Jr.  
United States District Judge